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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application Ser. No.: 09/176,171

Group Art Unit: 2632

Filing Date: 10/21/98

Examiner: T. PHAM

Attorney Docket Number PHA 23503

Inventor Name(s): D. CHENG

Title: DETECTION FOR DIGITAL ELECTRONIC DEVICES

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

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APPEAL BRIEF

Sir:

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Respectfully submitted,

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04/10/2002 MNCGEE1 00000001 141270 09176171

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Sir:

This is an appeal from the final rejection of Claims 17-33.

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I. REAL PARTY IN INTEREST

The real party in interest is the assignee, Philips Electronics North America Corporation, a Delaware corporation. A parent corporation of the assignee is Koninklijke Philips Electronics N.V., a corporation of the Netherlands.

II. RELATED APPEALS AND INTERFERENCES

Applicant is not aware of any related appeals or interferences.

III. STATUS OF CLAIMS

Claims 17-20, 25-31 and 33 stand rejected under 35 USC §103 (a) over Bassett (U.S. patent number 5,706,191) in view of Rietkerk (U.S. patent number 5,748,083).

Claims 21-23 stand rejected under 35 USC section 103 (8) over Bassett in view of

Rietkerk and further in view of Hall (5,898,831).

Claims 24 and 32 stand rejected over Basset in view of Rietkerk and further in view of Le Van Suu (U.S. 5,714,933).

IV. STATUS OF AMENDMENTS

There were remarks but no amendments under rule 116. There is therefore no unentered rule 116 amendment, even though the Examiner was not persuaded by the remarks.

V. SUMMARY OF THE INVENTION

Independent claim 17 recites a first appliance (e.g. 100b) having a first appliance component that is configured to effect a primary function (stereo) of the first appliance. The primary function is independent of security. The first appliance also includes a status reporter (e.g. 120b) that is configured to communicate a status of the first appliance via the network. Claim 17 further recites an alarm activation processor (e.g. 130b), operably coupled to the status reporter, that is configured to receive the status, and to effect an alarm response dependent on the status. *Therefore, in this claim the status information that is ultimately triggering the alarm response here comes from an appliance whose primary function is NOT security.*

Claim 29 is different from claim 17. Claim 29 recites

- an appliance component that is configured to effect a primary function independent of security;
- an interface to a network that facilitates a control of the appliance component via communications on the network, and

- an alarm activation processor that is configured to effect an alarm response dependent on the status received from a status report of an other appliance via the network.

Again, the appliance has a primary function that is not security. The appliance also has an alarm activation processor. The status report that triggers the alarm here is from another appliance, which is not specified in claim 17.

Claim 26 is similar to claim 29 in requiring the alarm activation processor to communicate with the status reporter via a network. However, claim 26 is the flip side, with the recited appliance including the status reporter and the alarm activation processor being in another device.

Further information about the recitations of the dependent claims appears in the argument below.

VI. THE ISSUES

Are the art rejections correct?

VII. GROUPING OF THE CLAIMS

The claims do not stand or fall together.

VIII. THE ARGUMENT

Independent claims 17

Claim 17 is summarized in the summary section above. The Examiner cites Basset in view of Rietkerk against claim 17.

Basset shows a network where there are appliances 25, 30, 35, 40, 45, 65. The appliances communicate with the network via the AIM devices 70-74 & 78. Only one of these appliances relates to security, i.e. 40. The appliances share a controller 15.

The Examiner states that col. 14, lines 53-64 of Basset teaches using alarms and security systems for communicating to effect control of the appliances. This is in the sense that perhaps a fire might be detected by a unit such as 40 and then a utility might be called by a second unit such as 45. Therefore, in Basset, if there is any status information coming from an appliance and resulting in an alarm, that status is coming from appliance 40 whose primary function is security. This fails to teach or suggest the limitation of claim 17 that the status information that results in the alarm is coming from an appliance whose primary function is NOT security.

Moreover, the Examiner has failed to indicate what if any part of Basset is supposedly an alarm activation processor. The alarm is in fact activated by the units 40/73. Controller 15 and telephone wiring 45 merely serve a communication function. But, if the status information is provided by the units 40/73, then how can they also be alarm activation processors? Separate claim limitations cannot be read on the same unit.

Rietkerk is added as allegedly correcting deficiencies of Basset; however, this rejection is not understood, because a number of aspects of Rietkerk are misinterpreted by the Examiner. The Examiner says that 112 and 113 are alarm activation processors. Applicant respectfully disagrees. Rietkerk clearly states at column 5, lines 43-53 that 112 and 113 are only sensors, not processors. The Examiner says that sensors 112 and 113 receive status information from RF unit 117; however, again column 5, lines 43-53 clearly state that the RF unit 117 receives information FROM the sensors 112 and 113, not vice versa. The RF unit only communicates the alarm

information externally. Accordingly, due to these misinterpretations of the reference, Applicant is not able to understand why Rietkerk corrects any deficiencies of Basset.

In any case, in Rietkerk, any status information that triggers an alarm is coming from sensors 112 and 113 whose primary function is security. There is no status information triggering an alarm that comes from an appliance whose primary function is NOT security, as required by claim 17.

Accordingly, Rietkerk and Basset are similarly deficient in failing to show an alarm effected in response to a status report that comes from an appliance whose primary function is NOT security. Claim 17 therefore distinguishes patentably over these references.

Claim 18

Claim 18 recites a second appliance (e.g. 100e), which includes a second appliance component for affecting a second primary function (entertainment center) independent of security. The alarm activation processor (130b) is integrated in the second appliance.

The Examiner states that Rietkerk's appliance 107 contains an alarm activation processor. Applicant respectfully disagrees. As far as Applicant can tell, any alarm activation occurs within the unit 102, not within the protected asset 107. Figure 2 clearly shows the APD 102 as being external to the PC 107, not integrated within it.

Claims 19, 20, 27, 28, 30, and 31

These claims all depend from different independent claims, so they do not stand or fall together; however respective their limitations are analogous, so it can be useful to consider them

together.

These claims recite modules relating to particular types of bus systems, i.e. of the HAVi and Home API varieties. The Examiner states that it would be obvious to move security systems from other types of buses to these types of buses. Applicant respectfully disagrees.

The other types of security systems, in the presence of networks, use protocols that are designed with security in mind. It is not at all obvious how one would adapt an existing non-security network to effect alarm activation in response to security issues. It is only with impermissible hindsight in view of Applicant's disclosure — showing how status reporter and alarm activation processors may be integrated into an otherwise non-security-oriented system — that one may move from security in a network designed for security, to security in a network not designed for security.

Accordingly, the references fail to teach or suggest claims 19, 20, 27, 28, 30 and 31.

Claim 26

The limitations of claim 26 are explained above, in the summary section. In making this rejection, the Examiner refers only to the rejection of claim 17, without acknowledging the differences between the claims. Applicant respectfully submits that grouping of unlike claims fails to comply with the provisions of 37 CFR 1.104.

Moreover, Applicant respectfully submits that the references fail to teach or suggest claim 26. The Examiner has failed to indicate in the references any appliance whose primary function is NOT security, which also has a status reporter that communicates via a network with an alarm activation processor.

Claim 29

The recitations of claim 29 are explained above, in the summary section. In making the rejection, the Examiner refers only to the rejection of claim 17, without acknowledging the differences between the claims. Applicant respectfully submits that grouping of unlike claims fails to comply with the provisions of 37 CFR 1.104.

Moreover, Applicant respectfully submits that the references fail to teach or suggest claim 29. The Examiner has failed to indicate in the references any appliance whose primary function is NOT security, which also has an alarm activation processor, and which receives a status report from ANOTHER appliance.

Claims 21-23

The necessity of combining three references against these claims gives rise to an inference of non-obviousness.

Claim 21

This claim recites a third appliance, e.g. 100a. The third appliance has a second alarm activation processor, e.g. 130a. The second alarm activation processor is operably coupled to the status reporter via the network, for receiving the status and affecting the second alarm response dependent on the status. For instance, the top of page 6 of the specification describes how one might trigger an audible alarm and also a telephone call.

The rejection is not understandable.

Against this recitation, the Examiner refers to column 14, lines 37-54 and column 15, lines 23-35 of Rietkerk, which is in the claim section. The cited sections start in the middle of claim recitation clauses in an incomprehensible way. Then the Examiner refers to references (C) and (B), but Applicant is not able to locate any such reference letters in Rietkerk. Accordingly, Applicant respectfully submits that it is impossible to determine what the Examiner is talking about here.

Moreover, the Rietkerk claims in question seem to refer to only a single asset protection device.

The Examiner then refers to Hall, which is a document having 12 sheets of drawing and 22 columns of specification and claims, BUT the Examiner fails to indicate what part of Hall is being discussed.

Applicant respectfully submits that this rejection completely fails to comply with the requirements of 37 CFR 1.104.

Claim 22

This claim specifically recites a second alarm response dependent on a status of a second appliance. This is supplemental to the alarm response of independent claim 17, which alarm response is dependent on the status of a first appliance.

If the Examiner is intending Hall's statement "I am missing" to be an alarm response, then only one such alarm response is indicated in col. 14, lines 37-54 of Hall. The "I am missing" might be based on reaching more than one external device, but there is only one response. There is no second response.

Accordingly, the cited sections of Hall fail to teach or suggest claim 22.

Claims 23, 25, and 33

Claim 23 recites first and second rule bases.

For these limitations, the Examiner points to Rietkerk, col. 4, lines 23-29 and col. 5, lines 42-67. These sections indicate that alarm signals may have different signal characteristics and that these may be interpreted and decoded. The sections fail to indicate what mechanism might be used for this. Interpreting and decoding signals might occur through any number of mechanisms, usually hardware-oriented. Rule bases are not normally thought of for this purpose. Applicant has previously submitted an Internet definition of “rule base” from *searchnetworking.techtarget.com*. From this definition, it is clear that the sections of Rietkerk referred to by the Examiner fail to teach or suggest rule bases.

Claims 25 and 33 also have a “rule base” limitation and are therefore patentable for analogous reasons, even though their dependency is different, so they does not stand or fall with claim 23.

Claims 24 and 31

The necessity of combining three references against these claims also gives rise to an inference of non-obviousness.

These claims depend from claims 17 and 29, respectively. These claims recite that the alarm response is in further dependence on an area status. In other words the alarm response is dependent on BOTH the status report AND the area status.

Against this recitation the Examiner cites Le Van Suu. This reference has a motion detector to detect security problems. However, there is no teaching or suggestion of how such a detector might give information to an alarm activation processor that is already getting status information from another source; or how two such disparate pieces of information might be used together. It is only through impermissible hindsight in view of Applicant's disclosure of a rule base approach that the Examiner could come up with such a combination.

Accordingly, the references fail to teach or suggest claims 24 and 32.

IX. CONCLUSION

Applicant respectfully submits that he has answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Such allowance is therefore respectfully requested.

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On <u>3/11/02</u>	(Mailing Date)
By <u>A. E. Barschall</u>	(Signature)

Respectfully submitted,

By A. E. Barschall
Anne E. Barschall
Reg. No. 31,089
(914) 332-1019
March 11, 2002

X. APPENDIX

1 **17. A home or office security system comprising:**

2 ~~/~~ **a network via which a plurality of appliances communicate to effect a control of one or more**
3 **appliances of the plurality of appliances,**

4 **a first appliance of the plurality of appliances having:**

5 **a first appliance component that is configured to effect to a primary function of the first**
6 **appliance that is independent security, and**

7 **a status reporter that is configured to communicate the status of the first appliance via the**
8 **network;**

9 **an alarm activation processor, operably coupled to the status reporter, that is configured to**
10 **receive the status, and to effect an alarm response dependent on the status.**

1 **18. The system of claim 17, wherein:**

2 ^{OK} **a second appliance of the plurality of appliances includes a second appliance component for**
3 **effecting a second primary function independent security; and**

4 **the alarm activation processor is integrated in the second appliance.**

1 **19. The system of claim 18, wherein:**

2 ^{OK} **the status reporter and the alarm activation processor each comprise a respective HAVi-**
3 **compliant module to facilitate communicating the status via the network.**

1 20. The system of claim 18, wherein:

2 *OK* the status reporter and the alarm activation processor each comprise a respective Home
3 API-compliant module to facilitate communicating the status via the network.

1 21. The system of claim 18, further including:

2 *OK* a third appliance having a second alarm activation processor, operably coupled to the
3 status reporter via the network, for receiving the status and affecting a second alarm response
4 dependent on the status.

1 *OK* 22. The system of claim 21, wherein

2 the second alarm response is also dependent upon a status of the second appliance.

1 23. The system of claim 21, wherein

2 *OK* the alarm activation processor is further configured to effect the alarm response in further
3 dependence upon a rule base that is associated with the first appliance, and
4 the second alarm activation processor is further configured to effect the second alarm
5 response dependent upon a second rule base associated with the first appliance.
6

7 24. The system of claims 17, further including

8 *X* an area security devices [sic] that is configured to detect an area status of an area;

9 wherein:

10 the activation processor is also operably coupled to the area security device and is further

11' configured to effect the alarm response dependent on the area status.

1 25. The system of claim 17, wherein

2 X the alarm activation processor is further configured to effect the alarm response in further
3 dependence upon a rule base that is associated with the first appliance.

1 26. An electronic appliance for use in a security system, the appliance comprising:

2 X an appliance component that is configured to effect a primary function independent of
3 security; and

4 an interface to a network that facilitates a control of the appliance component via
5 communications on the network,

6 a status reporter that is configured to communicate a status of the appliance via the network;
7 wherein the security system has an alarm activation processor operably coupled to the status
8 reporter via the network for receiving the status and effecting an alarm response
9 dependent on the status.

10

11 27. The appliance of claim 26, wherein the status reporter is HAVi compliant.

12 X

13 28. The appliance of claim 26 wherein the status reporter is Home API compliant.

14 X

15 29. An electronic appliance for use in a security system, the appliance comprising:

16 X an appliance component that is configured to effect a primary function independent of

17 security;
18 an interface to a network that facilitates the control of the appliance component via
19 communications on the network, and
20 an alarm activation processor that is configured to effect an alarm response dependent on a
21 status received from a status reporter of an other [sic] appliance via the network.

30. The appliance of claim 29, wherein the alarm activation processor is HAVi compliant.

X

31. The appliance of claim 29 wherein the alarm activation processor is Home API compliant.

X

1 32. The appliance of claim 29, wherein

2 X the alarm activation processor is also operably coupled to an area security device that
3 provides an area status and
4 the alarm response is further dependent on the area status.

1 ✓ 33. The appliance of claim 29, wherein the alarm activation processor is further configured to
2 effect the alarm response in dependence upon a rule based that is associated with the other
3 appliance.